

United States Environmental Protection Agency
Region 8
Air Program
1595 Wynkoop Street
Denver, Colorado 80202



AIR POLLUTION CONTROL
TITLE V PERMIT TO OPERATE

In accordance with the provisions of title V of the Clean Air Act and 40 CFR part 71 and applicable rules and regulations,

Waste Management of Utah, Inc.
Tekoi Landfill

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit.

This source is authorized to operate at the following location:

Section 18, Township 5 South, Range 8 West
on the Skull Valley Band Goshute Indian Reservation
Tooele County, Utah

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by EPA and citizens under the Clean Air Act.

A handwritten signature in black ink, which appears to read "Carl Daly", is written over a horizontal line.

Carl Daly, Director
Air Program
US EPA Region 8

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Abbreviations and Acronyms

AR	Acid Rain
ARP	Acid Rain Program
bbls	Barrels
BACT	Best Available Control Technology
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CEMS	Continuous Emission Monitoring System
CI	Compression Ignition
CFR	Code of Federal Regulations
CMS	Continuous Monitoring System (includes COMS, CEMS and diluent monitoring)
COMS	Continuous Opacity Monitoring System
CO	Carbon monoxide
CO ₂	Carbon dioxide
DAHS	Data Acquisition and Handling System
dscf	Dry standard cubic foot
dscm	Dry standard cubic meter
EIP	Economic Incentives Programs
EPA	Environmental Protection Agency
FGD	Flue gas desulfurization
gal	Gallon
GPM	Gallons per minute
H ₂ S	Hydrogen sulfide
HAP	Hazardous Air Pollutant
hr	Hour
Id. No.	Identification Number
kg	Kilogram
lb	Pound
MACT	Maximum Achievable Control Technology
MVAC	Motor Vehicle Air Conditioner
Mg	Megagram
MMBtu	Million British Thermal Units
mo	Month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NMHC	Non-methane hydrocarbons
NMOC	Non-methane organic compounds
NO _x	Nitrogen Oxides
NSPS	New Source Performance Standard
NSR	New Source Review
pH	Negative logarithm of effective hydrogen ion concentration (acidity)
PM	Particulate Matter
PM ₁₀	Particulate matter less than 10 microns in diameter
ppm	Parts per million
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psi	Pounds per square inch
psia	Pounds per square inch absolute
RICE	Reciprocating Internal Combustion Engine
RMP	Risk Management Plan
scfm	Standard cubic feet per minute
SNAP	Significant New Alternatives Program
SO ₂	Sulfur Dioxide
tpy	Ton Per Year
US EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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I. Source Information and Emission Unit Identification

I.A. Source Information

Parent Company Name: Waste Management of Utah, Inc.

Plant Name: Tekoi Landfill

Plant Location: Section 18, Township 5 South, Range 8 West
Latitude: 40.358323 N
Longitude: 112.724416 W

Region: 8

State: Utah

County: Tooele

Reservation: Skull Valley Band Goshute Indian Community

Tribe: Skull Valley Band of Goshute Indians

Responsible Official: Area Vice President

SIC Code: 4953

AFS Plant Identification Number: 49-045-00088

Other Clean Air Act Permits: There are no other Federal Clean Air Act permits, such as PSD or minor NSR, issued to this facility.

Description of Process:

The Tekoi Landfill (TLF), which is owned by the Skull Valley Band of Goshute Indian Community (SVBGC) and operated by Waste Management of Utah, Inc (WM), serves as a regional municipal solid waste (MSW) and construction and demolition (C&D) debris disposal facility.

No hazardous wastes or infectious wastes are accepted for disposal, nor is the incineration of waste permitted. TLF currently accepts approximately 785 tons of waste per day (tpd); however, it is permitted to accept a maximum of 4,000 tpd with a design capacity of 45 million cubic meters.

The landfill is comprised of a 6-Phase MSW disposal area and a North and South C&D disposal area. The MSW portion of the landfill was operated as a balefill landfill until November 2010. A balefill is a type of landfill in which MSW is mechanically baled before being placed in the facility. The bales are approximately 45" x 45" x 60" and weigh approximately 4,000 pounds. The site now accepts only loose (unbaled) MSW. The method of disposal has no effect on landfill emissions.

This process description is provided for informational purposes only, and is not a basis for any enforceable limiting conditions unless explicitly stated.

I.B. Source Emission Points

**Table 1 - Emission Units
Waste Management, Tekoi Landfill**

Emission Unit ID	Description	Control Equipment
E1	MSW Landfill: 45 million cubic meters design capacity. Construction Date: 01/14/2005	None (NMOC <50 Mg/year)
E2	Fugitive Dust Emissions from Paved Roads, Unpaved Roads, and Material Handling	None

**Table 2 -- Insignificant Emission Units*
Waste Management, Tekoi Landfill**

Emission Unit ID	Description
IE1	Isuzu; 55.2 hp diesel-fired stationary compression ignition engine. Construction Date: Pre June 12, 2006; Manufactured 2000. Use: ~140 hrs/year; Non-emergency diesel fuel pump
IE2	John Deere (6.8L); 150 hp diesel-fired stationary compression ignition engine. Construction Date: Pre June 12, 2006; Manufactured 2002. Use: ~420 hrs/year; Non-emergency generator to power lights.
IE3	Subaru-Robin; 11 hp diesel-fired stationary compression ignition engine. Construction Date: Post June 12, 2006; Manufactured 2007. Use: ~420 hrs/year; Non-emergency water pump.
IE4	1 - 12,000 gallon diesel fuel tank
IE5	1 - 500 gallon engine oil tank

*Insignificant emission units can change at the facility as long as the new or replacement units meet the criteria for insignificance, and TLF supplies information as required under 40 CFR part 71 and this permit. The insignificant emission unit status does not exempt these emission units from the requirements of the NSPS and MACT standards that may apply.

II. Standards of Performance for Municipal Solid Waste Landfills

II.A. 40 CFR Part 60, Subpart A – General Provisions

This facility is subject to the requirements of 40 CFR part 60, subpart A as stated in §60.1. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 60, subpart A.

[40 CFR 60.1 - 60.19]

II.B. 40 CFR Part 60, Subpart WWW - Standards

1. This facility is subject to the requirements of 40 CFR part 60, subpart WWW. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 60, subpart WWW.
2. 40 CFR 60, Subpart WWW applies as follows:
 - (a) §60.750(a) - This facility is a MSW landfill that was constructed, reconstructed or modified on or after May 30, 1991; and
 - (b) §60.752(b) – This facility has a design capacity greater than 2.5 million megagrams.

[40 CFR 60.750 - 60.759]

II.C. Standards for Air Emissions

1. The permittee shall calculate an NMOC emission rate for the landfill using the procedure and default values specified in §60.754(a)(1).

[40 CFR 60.752(b)]
2. **Tier 1:** The permittee shall compare the calculated NMOC mass emission rate to the standard of 50 megagrams per year as required by §60.754(a)(2).
 - (a) If the calculated NMOC emission rate is less than 50 megagrams per year using Tier 1, the permittee shall:
 - (i) Submit an emission rate report as provided in §60.757(b)(1); and
 - (ii) Recalculate the NMOC mass emission rate annually using the procedure and default values specified in §60.754(a)(1) and using Tier 1 as specified in §60.754(a)(2) until such time as the calculated emission rate is equal to or greater than 50 megagrams per year or the landfill is closed.

[40 CFR 60.752(b)(1) and 40 CFR 60.754(a)(1)(i)]

(b) If the calculated NMOC emission rate using the default values of §60.754(a)(1) is equal to or greater than 50 megagrams per year using Tier 1, the permittee shall either:

(i) Comply with §60.752(b)(2) as follows:

- (A) Submit a collection and control system design plan prepared by a professional engineer within 1 year; and
- (B) Install a collection and control system, as specified in §60.752(b)(2)(ii)(A) or (B) and §60.752(b)(2)(iii), within 30 months after the first annual report in which the rate equals or exceeds 50 megagram per year; and
- (C) Comply with the specifications for active collection systems as specified in §60.759.

or

(ii) Determine a site-specific NMOC concentration and recalculate the NMOC emission rate using the procedures provided in paragraph §60.754(a)(3) and identified as Tier 2.

[40 CFR 60.752(b)(2) and 40 CFR 60.754(a)(1)(ii)]

3. **Tier 2:** The permittee shall calculate a site-specific NMOC concentration as required by §60.754(a)(3) and recalculate the NMOC mass emission rate using the equations provided in §60.754(a)(1) using the average NMOC concentration from the collected samples instead of the default value in the equation in §60.754(a)(1).

(a) If the resulting NMOC mass emission rate is less than 50 megagrams per year using Tier 2, the permittee shall:

- (i) Submit a periodic estimate of the emission rate report as provided in §60.757(b)(1); and
- (ii) Retest the site-specific NMOC concentration every 5 years using Tier 2.

[40 CFR 60.754(a)(3)(i)]

(b) If the resulting NMOC mass emission rate is equal to or greater than 50 megagrams per year using Tier 2, the permittee shall either:

(i) Comply with §60.752(b)(2) as follows:

- (A) Submit a collection and control system design plan prepared by a professional engineer within 1 year; and
- (B) Install a collection and control system, as specified in §60.752(b)(2)(ii)(A) or (B) and §60.752(b)(2)(iii), within 30 months after the first annual report in which the rate equals or exceeds 50 megagram per year; ; and
- (C) Comply with the specifications for active collection systems as specified in §60.759.

or

- (ii) Determine a site-specific methane generation rate constant and recalculate the NMOC emission rate using the procedures specified in paragraph §60.754(a)(4) and identified as Tier 3.

[40 CFR 60.752(b)(2) and 40 CFR 60.754(a)(3)(ii)]

4. **Tier 3:** The permittee shall determine the site-specific methane generation rate constant as required by §60.754(a)(4) and recalculate the NMOC mass emission rate using the site-specific methane generation rate constant, the NMOC concentration previously determined by Tier 2, and the equations provided in §60.754(a)(1).

(a) If the resulting NMOC mass emission rate is less than 50 megagrams per year using Tier 3, the permittee shall:

- (i) Submit a periodic emission rate report as provided in §60.757(b)(1); and
- (ii) Recalculate the NMOC emission rate annually as provided in §60.757(b)(1) using the equations in paragraph §60.754(a)(1), the site-specific methane generation rate constant, and NMOC concentration rate obtained by Tier 2 every 5 years. The site-specific methane generation rate constant is performed only once, and the value obtained from this test shall be used in all subsequent annual NMOC emission rate calculations.

[40 CFR 60.754(a)(4)(ii)]

(b) If the resulting NMOC mass emission rate is equal to or greater than 50 megagrams per year using Tier 3, the permittee shall comply with §60.752(b)(2) as follows:

- (A) Submit a collection and control system design plan prepared by a professional engineer within 1 year; and
- (B) Install a collection and control system, as specified in §60.752(b)(2)(ii)(A) or (B) and §60.752(b)(2)(iii), within 30 months after the first annual report in which the rate equals or exceeds 50 megagram per year ; and
- (C) Comply with the specifications for active collection systems as specified in §60.759.

[40 CFR 60.752(b)(2) and 40 CFR 60.754(a)(4)(i)]

II.D. Compliance Provisions [40 CFR 60.755]

The specified methods in §60.755(a)(1) - (a)(6) shall be used to determine whether the gas collection and control system is in compliance with §60.752(b)(2)(ii).

II.E. Monitoring of Operations [40 CFR 60.756]

The requirements of §60.756(a) - (f) shall be used to monitor the capture and control system requirements of §60.752(b)(2).

II.F. Reporting Requirements [40 CFR 60.757]

If the NMOC emission rate equals or exceeds 50 megagrams per year, the permittee shall meet the applicable reporting requirements of §60.757(a) - (g).

II.G. Recordkeeping Requirements [40 CFR 60.758]

The permittee shall meet the applicable recordkeeping requirements of §60.758(a) - (f).

III. 40 CFR Part 63, Subpart AAAA – National Emission Standards for Hazardous Air Pollutants: Municipal Solid Waste (MSW) Landfills

III.A. 40 CFR Part 63, Subpart A – General Provisions

This facility is subject to the requirements of 40 CFR part 63, subpart A as stated in Table 1 of 40 CFR part 63, subpart AAAA and §§63.1960 through 63.1985. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 63, subpart A.

[40 CFR 63.1 - 63.16 and 40 CFR 63.1955(d)(1)]

III.B. 40 CFR 63, Subpart AAAA - Standards

1. This facility is subject to the requirements of 40 CFR part 63, subpart AAAA. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 63, subpart AAAA.
2. 40 CFR 63, Subpart AAAA applies as follows:
 - (a) §63.1935(a) - This facility is a MSW landfill that has accepted waste since November 8, 1987 or has additional capacity for waste deposition; and
 - (b) §63.1935(a)(3) – This facility has a design capacity greater than 2.5 million megagrams and is an area source MSW landfill.

[40 CFR 63.1930 – 63.1990]

III.C. Non-Methane Organic Compound Emission Rate < 50 Mg/year

If the uncontrolled non-methane organic compound (NMOC) emission rate is less than 50 megagrams per year, as calculated according to §60.754(a) of the MSW landfills new source performance standards in 40 CFR part 60, subpart WWW, the permittee shall recalculate the NMOC emission rate annually as specified in 40 CFR 60.752(b)(1) using the procedures specified in 40 CFR 60.754(a)(1) until such time as the calculated NMOC emission rate is equal to or greater than 50 megagrams per year, or the landfill is closed.

[40 CFR 63.1935(a)(3)]

[Explanatory note: The requirements of 40 CFR part 60, subpart WWW are summarized in the Standards of Performance for Municipal Solid Waste Landfills requirements in this permit.]

III.D. Non-Methane Organic Compound Emission Rate ≥ 50 Mg/year

If the uncontrolled non-methane organic compound (NMOC) emission rate is equal to or greater than 50 megagrams per year, as calculated according to §60.754(a) of the MSW landfills new source performance standards in 40 CFR part 60, subpart WWW, the permittee shall comply with 40 CFR part 63, subpart AAAA by meeting the standards, monitoring, recordkeeping and reporting requirements as specified in 40 CFR part 60, subpart WWW in addition to the following standards, monitoring, recordkeeping and reporting requirements that apply to the facility.

[Explanatory note: The requirements of 40 CFR part 60, subpart WWW are summarized in the Standards of Performance for Municipal Solid Waste Landfills requirements in this permit.]

1. Standards for Air Emissions

- (a) The permittee shall comply with the requirements of 40 CFR part 60, subpart WWW.

[40 CFR 63.1955(a)]

- (b) If the permittee is required by 40 CFR 60.752(b)(2) of 40 CFR part 60, subpart WWW to install a collection and control system, the permittee must comply with the requirements in §§63.1960 through 63.1985, and with the general provisions as specified in Table 1 of 40 CFR part 63, subpart AAAA.

[40 CFR 63.1955(b)]

- (c) For approval of collection and control systems that include any alternatives to the operational standards, test methods, procedures, compliance measures, monitoring, recordkeeping or reporting provisions, the permittee must follow the procedures in 40 CFR 60.752(b)(2). If alternatives have already been approved under 40 CFR part 60, subpart WWW, these alternatives can be used to comply with 40 CFR 63, subpart AAAA, except as specified in 63.1955(c).

[40 CFR 63.1955(c)]

2. Compliance Provisions [40 CFR 63.1960]

Compliance shall be determined by the requirements of §63.1960.

3. Monitoring and Testing [40 CFR 63.1980(g)]

If the permittee adds any liquids other than leachate in a controlled fashion to the waste mass and does not comply with the bioreactor requirements in §§63.1947, 63.1955(c) and 63.1980(c) through (f) of 40 CFR part 63, subpart AAAA, the permittee must keep a record of calculations as specified in §63.1980(g).

4. Recordkeeping and Reporting Requirements

- (a) The permittee must comply with the recordkeeping requirements as specified in §60.758(a) of 40 CFR part 60, subpart WWW, except that the annual report described in 40 CFR §60.757(f) must be submitted every 6 months.

[40 CFR 63.1980(a)]

- (b) The permittee must keep records and reports as specified in the general provisions of 40 CFR part 60 and in Table 1 of 40 CFR part 63, subpart AAAA. Applicable records in the general provisions include items such as startup, shutdown and malfunction (SSM) plans and the SSM plan reports.

[40 CFR 63.1980(b)]

IV. 40 CFR Part 63, Subpart ZZZZ – National Emission Standards for Hazardous Air Pollutants from Reciprocating Internal Combustion Engines

IV.A. 40 CFR Part 63, Subpart A - General Provisions [40 CFR 63.1 - 63.16]

This facility is subject to the requirements of 40 CFR part 63, subpart A as outlined in Table 8 of 40 CFR part 63, subpart ZZZZ. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 63, subpart A.

[40 CFR 63.6665 and Table 8]

IV.B. 40 CFR Part 63, Subpart ZZZZ – Standards

1. This facility is subject to the requirements of 40 CFR part 63, subpart ZZZZ for stationary reciprocating internal combustion engines (RICE). Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 63, subpart ZZZZ.

2. 40 CFR part 63, subpart ZZZZ applies to the following stationary engines:

IE1: Isuzu; 55.2 hp diesel-fired compression ignition engine.

Construction Date: Pre June 12, 2006; Manufactured 2000.

Compliance Date: May 3, 2013.

IE2: John Deere (6.8L); 150 hp diesel-fired compression ignition engine.

Construction Date: Pre June 12, 2006; Manufactured 2002.

Compliance Date: May 3, 2013.

IE3: Subaru-Robin; 11 hp diesel-fired compression ignition engine.

Construction Date: Post June 12, 2006; Manufactured 2007.

Compliance Date: Upon Start-up.

[40 CFR 63.6585 - 63.6590]

IV.C. Requirements for Engine IE3

1. The permittee must meet the requirements of 40 CFR part 63, subpart ZZZZ by meeting the requirements of 40 CFR part 60, subpart IIII, for stationary CI engines. No further requirements apply to engine unit IE3 under 40 CFR part 63.

[40 CFR 63.6590(c) and 40 CFR 63.6590(c)(1)]

2. Pursuant to 40 CFR part 60, subpart IIII, this engine is subject to 40 CFR part 60, subpart IIII, as it was manufactured after April 1, 2006. As such, there are additional requirements outlined in this permit that apply to this engine.

[40 CFR 60.4200(a)(2)(i)]

IV.D. Requirements for Engines IE1 and IE2

1. Emission and Operating Limitations

a. Except during periods of startup, the permittee shall:

- i. Change oil and filter every 1,000 hours of operation or annually, whichever comes first;
 - ii. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first;
 - iii. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.
- b. During periods of startup the permittee shall minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.

[40 CFR 63.6603(a) and Table 2d: 1(a)-(b)]

2. Operation and Maintenance

The permittee must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop a maintenance plan which must provide, to the extent practicable, for the maintenance and operation of the engine in a manner consistent with good air pollution control practices for minimizing emissions.

[40 CFR 66.6625(e) and Table 6: 9(a)(i)-(ii)]

3. Compliance Requirements

- a. The permittee must:
- i. Be in compliance with the emission limitations and operating limitations, which apply, at all times.
[40 CFR 63.6605(a)]
 - ii. Operate and maintain the engines, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions, at all times.
[40 CFR 63.6605(b)]
 - iii. Demonstrate continuous compliance with each emission limitation and operating limitation that apply.
[40 CFR 63.6640 (a)]
- b. For new, reconstructed, and rebuilt stationary RICE, deviations from the emission or operating limitations that occur during the first 200 hours of operation from engine startup (engine burn-in period) are not violations. Rebuilt stationary RICE means a stationary RICE that has been rebuilt as that term is defined in 40 CFR 94.11(a).

[40 CFR 63.6640 (d)]

4. Recordkeeping

- a. The permittee must keep records of operation and maintenance to show continuous compliance with each emission or operating limitation and to demonstrate that the engine was operated and maintained according to the required maintenance plan.

[40 CFR 63.6655 (d)-(e)]

- b. Records must be in a form suitable and readily available for expeditious review according to §63.10(b)(1).

[40 CFR 63.6660(a)]

- c. Each record must be kept for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

[40 CFR 63.6660(b)]

- d. Each record must be readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1).

[40 CFR 63.6660(c)]

V. 40 CFR Part 60, Subpart III - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines

V.A. 40 CFR 60, Subpart A – General Provisions [40 CFR 60.1 - 60.19]

This facility is subject to the requirements of 40 CFR part 60, subpart A as outlined in Table 8 of 40 CFR 60, subpart III. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 60, subpart A.

[40 CFR 60.4218 and Table 8]

V.B. 40 CFR 60, Subpart III – Standards

1. This facility is subject to the requirements of 40 CFR part 60, subpart III. Notwithstanding conditions in this permit, the permittee shall comply with all applicable requirements of 40 CFR part 60, subpart III.

2. 40 CFR part 60, subpart III applies to the following engines:

IE1: Isuzu; 55.2 hp diesel-fired compression ignition engine.
Model Year: Pre 2007; Manufactured 2000.
Compliance Date: May 3, 2013.

IE2: John Deere (6.8L); 150 hp diesel-fired compression ignition engine; EPA Tier 2 Certified for NOx.
Model Year: Pre 2007; Manufactured 2002.
Compliance Date: May 3, 2013.

IE3: Subaru-Robin; 11 hp diesel-fired compression ignition engine.
Model Year: 2007; Manufactured 2007.
Compliance Date: Upon Start-up.

[40 CFR 60.4200]

V.C. Requirements for Engines IE1 and IE2

1. Emission Standards

The permittee, as an owner or operator of pre-2007 model year non-emergency stationary compression ignition internal combustion engines (CI ICE) with a displacement of less than 10 liters per cylinder, must comply with the emission standards in the following table.

Emission standards for stationary pre-2007 model year engines with a displacement of <10 liters per cylinder (g/hp-hr)						
Maximum Engine Power	Engine	NMHC + NO _x	HC	NO _x	CO	PM
(50≤hp<75)	IE1			6.9		
(100≤hp<175)	IE2			6.9		

[40 CFR 60.4204 and Table 1]

2. Compliance Requirements

a. The permittee, as the owner or operator of the CI ICE, must

- i. Comply with the emission standards;
- ii. Operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's written instructions or procedures developed and approved by the engine manufacturer;
- iii. Only change those settings that are permitted by the manufacturer; and
- iv. Meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply.

[40 CFR 60.4211(a)]

b. The permittee, as the owner or operator of a pre-2007 model year stationary CI ICE who must comply with the emission standards specified in §60.4204(a), must demonstrate compliance according to one of the following methods:

- i. Purchase an engine certified according to 40 CFR part 89 or 40 CFR part 94, as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's specifications;
- ii. Keep records of performance test results for each pollutant for a test conducted on a similar engine. The test must have been conducted using the same methods specified in 40 CFR part 60, subpart IIII and these methods must have been followed correctly;
- iii. Keep records of engine manufacturer data indicating compliance with the standards;
- iv. Keep records of control device vendor data indicating compliance with the standards; or
- v. Conduct an initial performance test to demonstrate compliance with the emission standards according to the requirements specified in §60.4212, as applicable.

[40 CFR 60.4211 (b)]

V.D. Requirements for Engine IE3

1. Emission Standards

- a. The permittee, as the owner or operator of 2007 model year and later non-emergency stationary CI ICE with a displacement of less than 30 liters per cylinder, must comply with the manufacturer certification emission standards for new CI ICE in §60.4201 for their 2007 model year and later stationary CI ICE, as applicable.

[40 CFR 60.4204(b)]

- b. Stationary CI ICE manufacturers must certify their 2007 model year and later non-emergency stationary CI ICE with a maximum engine power less than or equal to 3,000 hp and a displacement of less than 10 liters per cylinder to the certification emission standards for new non-road CI engines in 40 CFR 89.112, 40 CFR 89.113, 40 CFR 1039.101, 40 CFR 1039.102, 40 CFR 1039.104, 40 CFR 1039.105, 40 CFR 1039.107, and 40 CFR 1039.115, as applicable, for all pollutants, for the same model year and maximum engine power.

[40 CFR 60.4201(a)]

2. Fuel Usage Requirements

Beginning October 1, 2010, the permittee, as an owner or operator of stationary CI ICE subject to 40 CFR part 60, subpart IIII with a displacement of less than 30 liters per cylinder that use diesel fuel, must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for non-road diesel fuel.

[40 CFR 60.4207(b)]

3. Compliance Requirements

- a. The permittee, as an owner or operator of stationary CI ICE subject to 40 CFR part 60. Subpart III, must meet the following compliance requirements:
 - i. Comply with the emission standards;
 - ii. Operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's written instructions or procedures developed and approved by the engine manufacturer;
 - iii. Only change those settings that are permitted by the manufacturer; and
 - iv. Meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply.

[40 CFR 60.4211(a)]

- b. The permittee, as an owner or operator of a 2007 model year and later stationary CI internal combustion engine, must comply by purchasing an engine certified to the emission standards in §60.4204(b), as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's specifications.

[40 CFR 60.4211(c)]

VI. Facility-Wide Requirements

Conditions in this section of the permit apply to all emissions units located at the facility, including any units not specifically listed in this permit.

[40 CFR 71.6(a)(1)]

VI.A. General Recordkeeping Requirements [40 CFR 71.6(a)(3)(ii) and 63.10(b)(3)]

The permittee shall comply with the following generally applicable recordkeeping requirements:

1. If the permittee determines that his or her stationary source that emits (or has the potential to emit, without federally recognized controls) one or more hazardous air pollutants that is not subject to a relevant standard or other requirement established under 40 CFR part 63, the permittee shall keep a record of the applicability determination on site at the source for a period of five (5) years after the determination, or until the source changes its operations to become an affected source, whichever comes first. The record of the applicability determination shall include an analysis (or other information) that demonstrates why the permittee believes the source is unaffected (e.g., because the source is an area source).

[40 CFR 63.10(b)(3)]

VI.B. General Reporting Requirements [40 CFR 71.6(a)(3)(iii)]

1. The permittee shall submit to the EPA Regional Office all reports of any required monitoring under this permit semi-annually. Reports shall be submitted by April 1st and October 1st of each year. The first report due on October 1, 2011 shall cover the period from the effective date of this permit through August 31, 2011. Thereafter, the report due on April 1st shall cover the six-month period ending on the last day of February before the report is due. The report due on October 1st shall cover the six-month period ending on the last day of August before the report is due. All instances of deviations from permit requirements shall be clearly identified in such reports.

[Explanatory note: To help part 71 permittees meet reporting responsibilities, EPA has developed a form "SIXMON" for six-month monitoring reports. The form may be found on the EPA website at: <http://www.epa.gov/air/oaqps/permits/p71forms.html>]

2. "Deviation" means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or recordkeeping established in accordance with §71.6(a)(3)(i) and (a)(3)(ii). For a situation lasting more than 24 hours which constitutes a deviation, each 24 hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:
 - (a) A situation where emissions exceed an emission limitation or standard;
 - (b) A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met; or

- (c) A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit.
3. The permittee shall promptly report to the EPA Regional Office any deviations from permit requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. “Prompt” is defined as follows:
- (a) Any definition of “prompt” or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit; or
 - (b) Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations will be submitted based on the following schedule:
 - (i) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report shall be made within 24 hours of the occurrence;
 - (ii) For emissions of any regulated air pollutant, excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two (2) hours in excess of permit requirements, the report shall be made within 48 hours; and
 - (iii) For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring.
 - (c) If either of the conditions in (i) and (ii) above is met, the source shall notify EPA by telephone (1-800-227-8917) or facsimile (303-312-6064) based on the timetables listed above. *[Explanatory note: Notification by telephone or facsimile must specify that this notification is a deviation report for a part 71 permit. A written notice, certified consistent with the requirements of this permit must be submitted within ten (10) working days of the occurrence. All deviations reported under this section must also be identified in the 6-month report.]*

[Explanatory Note: To help part 71 permittees meet reporting responsibilities, EPA has developed a form “PDR” for prompt deviation reporting. The form may be found on the EPA website at: <http://www.epa.gov/air/oaqps/permits/p71forms.html>.]

VI.C. Permit Shield [40 CFR 71.6(f)(3)]

1. Nothing in this permit shall alter or affect the following:
- (a) The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;
 - (b) The ability of the EPA to obtain information under Section 114 of the CAA; or
 - (c) The provisions of Section 303 of the CAA (emergency orders), including the authority of the Administrator under that section.

[40 CFR 71.6(f)(3)]

VII. Part 71 Administrative Requirements

VII.A. Annual Fee Payment [40 CFR 71.6(a)(7) and 40 CFR 71.9]

1. The permittee shall pay an annual permit fee in accordance with the procedures outlined below.

[40 CFR 71.9(a)]

2. The permittee shall pay the annual permit fee each year no later than April 1. The annual fee shall be based on the previous calendar year (January 1 – December 31).

[40 CFR 71.9(h)]

3. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of the U.S. Environmental Protection Agency.

[40 CFR 71.9(k)(1)]

4. The permittee shall send fee payment and a completed fee filing form to:

For regular U.S. Postal Service mail

U.S. Environmental Protection Agency
FOIA and Miscellaneous Payments
Cincinnati Finance Center
P.O. Box 979078
St. Louis, MO 63197-9000

For non-U.S. Postal Service express mail

(FedEx, Airborne, DHL, and UPS)

U.S. Bank
Government Lockbox 979078
U.S. EPA FOIA & Misc. Payments
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

[40 CFR 71.9(k)(2)]

5. The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment.

[40 CFR 71.9(h)(1)]

[Explanatory note: The fee filing form “FF” and the fee calculation worksheet form “FEE” may be found on EPA website at: <http://www.epa.gov/air/oaqps/permits/p71forms.html>]

6. Basis for calculating annual fee:

- (a) The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all “regulated pollutants (for fee calculation)” emitted from the source by the presumptive emissions fee (in dollars/ton) in effect at the time of calculation.

[40 CFR 71.9(c)(1)]

- (i) “Actual emissions” means the actual rate of emissions in tpy of any regulated pollutant (for fee calculation) emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions units actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year.

[40 CFR 71.9(c)(6)]

- (ii) Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data.

[40 CFR 71.9(h)(3)]

- (iii) If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures.

[40 CFR 71.9(e)(2)]

[Explanatory note: The presumptive fee amount is revised each calendar year to account for inflation, and it is available from EPA prior to the start of each calendar year.]

- (b) The permittee shall exclude the following emissions from the calculation of fees:

- (i) The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year (tpy);

[40 CFR 71.9(c)(5)(i)]

- (ii) Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation; and

[40 CFR 71.9(c)(5)(ii)]

- (iii) The quantity of actual emissions (for fee calculation) of insignificant activities [defined in §71.5(c)(11)(i)] or of insignificant emissions levels from emissions units identified in the permittee’s application pursuant to §71.5(c)(11)(ii).

[40 CFR 71.9(c)(5)(iii)]

7. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official.

[40 CFR 71.9(h)(2)]

[Explanatory note: The fee calculation worksheet form already incorporates a section to help you meet this responsibility.]

8. The permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for 5 years following submittal of fee payment. *[Emission-related data include, for example, emissions-related forms provided by EPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with §71.6(a)(3)(ii).]*

[40 CFR 71.9(i)]

9. Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with §71.9(l).

[40 CFR 71.9(l)]

10. When notified by EPA of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of notification.

[40 CFR 71.9(j)(2)]

11. A permittee who thinks an EPA assessed fee is in error and who wishes to challenge such fee, shall provide a written explanation of the alleged error to EPA along with full payment of the EPA assessed fee.

[40 CFR 71.9(j)(3)]

VII.B. Annual Emissions Inventory [40 CFR 71.9(h)(1)and (2)]

The permittee shall submit an annual emissions report of its actual emissions for both criteria pollutants and regulated HAPs for this facility for the preceding calendar year for fee assessment purposes. The annual emissions report shall be certified by a responsible official and shall be submitted each year to EPA by April 1st.

[Explanatory note: An annual emissions report, required at the same time as the fee calculation worksheet by §71.9(h), has been incorporated into the fee calculation worksheet form as a convenience.]

VII.C. Compliance Requirements

1. Compliance with the Permit

- (a) The permittee must comply with all conditions of this part 71 permit. Any permit noncompliance constitutes a violation of the CAA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

[40 CFR 71.6(a)(6)(i)]

- (b) It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

[40 CFR 71.6(a)(6)(ii)]

- (c) For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any requirement of this permit, nothing shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

[Section 113(a) and 113(e)(1) of the Act, 40 CFR 51.212, 52.12, 52.33, 60.11(g), and 61.12]

2. Compliance Schedule

- (a) For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements.

[40 CFR 71.5(c)(8)(iii)(A)]

- (b) For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis.

[40 CFR 71.5(c)(8)(iii)(B)]

3. Compliance Certifications

- (a) The permittee shall submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices annually on April 1st. The certification of compliance shall cover the previous calendar year.

[40 CFR 71.6(c)(5)]

- (b) The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with §71.5(d).

[40 CFR 71.6(c)(5)]

- (c) The certification shall include the following:

- (i) Identification of each permit term or condition that is the basis of the certification;
- (ii) The identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. Such methods and other means shall include, at a minimum, the methods and means required in this permit. If necessary, the permittee also shall identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the CAA, which prohibits knowingly making a false certification or omitting material information;

- (iii) The status of compliance with each term and condition of the permit for the period covered by the certification shall be based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification;
- (iv) Such other facts as the EPA may require to determine the compliance status of the source; and
- (v) Whether compliance with each permit term was continuous or intermittent.

[40 CFR 71.6(c)(5)(iii)]

[Explanatory note: To help part 71 permittees meet reporting responsibilities, EPA has developed a reporting form for annual compliance certifications. The form may be found on EPA website at: <http://www.epa.gov/air/oaqps/permits/p71forms.html>]

VII.D. Duty to Provide and Supplement Information

[40 CFR 71.6(a)(6)(v), 71.5(a)(3), and 71.5(b)]

1. The permittee shall furnish to EPA, within a reasonable time, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential must be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B.

[40 CFR 71.6(a)(6)(v) and 40 CFR 71.5(a)(3)]

2. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. In addition, a permittee shall provide additional information as necessary to address any requirements that become applicable after the date a complete application is filed, but prior to release of a draft permit.

[40 CFR 71.5(b)]

VII.E. Submissions [40 CFR 71.5(d), 71.6(c)(1) and 71.9(h)(2)]

1. Any document (application form, report, compliance certification, etc.) required to be submitted under this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

[Explanatory note: EPA has developed a reporting form “CTAC” for certifying truth, accuracy and completeness of part 71 submissions. The form may be found on EPA website at: <http://www.epa.gov/air/oaqps/permits/p71forms.html>]

2. Any documents required to be submitted under this permit, including reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to:

Part 71 Permit Contact
Air Program, 8P-AR
U.S. Environmental Protection Agency,
1595 Wynkoop Street
Denver, Colorado 80202-1129

VII.F. Severability Clause [40 CFR 71.6(a)(5)]

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

VII.G. Permit Actions [40 CFR 71.6(a)(6)(iii)]

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

VII.H. Administrative Permit Amendments [40 CFR 71.7(d)]

1. The permittee may request the use of administrative permit amendment procedures for a permit revision that:
 - (a) Corrects typographical errors;
 - (b) Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
 - (c) Requires more frequent monitoring or reporting by the permittee;
 - (d) Allows for a change in ownership or operational control of a source where the EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the EPA;
 - (e) Incorporates into the part 71 permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of §§71.7 and 71.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in §71.6; or
 - (f) Incorporates any other type of change which EPA has determined to be similar to those listed above in subparagraphs (a) through (e) above.

[Explanatory note: If subparagraphs (a) through (e) above do not apply, please contact EPA for a determination of similarity prior to submitting your request for an administrative permit amendment under this provision.]

VII.I. Minor Permit Modifications [40 CFR 71.7(e)(1)]

1. The permittee may request the use of minor permit modification procedures only for those modifications that:
 - (a) Do not violate any applicable requirement;
 - (b) Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;
 - (c) Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis;
 - (d) Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
 - (i) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and
 - (ii) An alternative emissions limit approved pursuant to regulations promulgated under Section 112(i)(5) of the CAA;
 - (e) Are not modifications under any provision of title I of the CAA; and
 - (f) Are not required to be processed as a significant modification.

[40 CFR 71.7(e)(1)(i)(A)]
2. Notwithstanding the list of changes ineligible for minor permit modification procedures above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.

[40 CFR 71.7(e)(1)(i)(B)]
3. An application requesting the use of minor permit modification procedures shall meet the requirements of §71.5(c) and shall include the following:
 - (a) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 - (b) The source's suggested draft permit;

- (c) Certification by a responsible official, consistent with §71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and
- (d) Completed forms for the permitting authority to use to notify affected States as required under §71.8.

[40 CFR 71.7(e)(1)(ii)]

4. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by §71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

[40 CFR 71.7(e)(1)(v)]

5. The permit shield under §71.6(f) may not extend to minor permit modifications.

[40 CFR 71.7(e)(1)(vi)]

VII.J. Group Processing of Minor Permit Modifications. [40 CFR 71.7(e)(2)]

1. Group processing of modifications by EPA may be used only for those permit modifications:
- (a) That meet the criteria for minor permit modification procedures under this permit; and
 - (b) That collectively are below the threshold level of 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in §71.2, or 5 tpy per year, whichever is least.

[40 CFR 71.7(e)(2)(i)]

2. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of §71.5(c), and shall include the following:
- (a) A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 - (b) The source's suggested draft permit;
 - (c) Certification by a responsible official, consistent with §71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used;

- (d) A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under the subparagraph above; and
- (e) Completed forms for the permitting authority to use to notify affected States as required under §71.8.

[40 CFR 71.7(e)(2)(ii)]

3. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by §71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

[40 CFR 71.7(e)(2)(v)]

4. The permit shield under §71.6(f) may not extend to group processing of minor permit modifications.

[40 CFR 71.7(e)(2)(vi)]

VII.K. Significant Permit Modifications [40 CFR 71.7(e)(3)]

1. The permittee must request the use of significant permit modification procedures for those modifications that:

- (a) Do not qualify as minor permit modifications or as administrative amendments;
- (b) Are significant changes in existing monitoring permit terms or conditions; or
- (c) Are relaxations of reporting or recordkeeping permit terms or conditions.

[40 CFR 71.7(e)(3)(i)]

2. Nothing herein shall be construed to preclude the permittee from making changes consistent with part 71 that would render existing permit compliance terms and conditions irrelevant.

[40 CFR 71.7(e)(3)(i)]

3. Permittees must meet all requirements of part 71 for applications, public participation, and review by affected states and tribes for significant permit modifications. For the application to be determined complete, the permittee must supply all information that is required by §71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change.

[40 CFR 71.7(e)(3)(ii), 71.8(d), and 71.5(a)(2)]

VII.L. Reopening for Cause [40 CFR 71.7(f)]

1. The permit may be reopened and revised prior to expiration under any of the following circumstances:
 - (a) Additional applicable requirements under the Act become applicable to a major part 71 source with a remaining permit term of 3 or more years. Such a reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to §71.7(c)(3);
 - (b) Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit;
 - (c) EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit; or
 - (d) EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

VII.M. Property Rights [40 CFR 71.6(a)(6)(iv)]

This permit does not convey any property rights of any sort, or any exclusive privilege.

VII.N. Inspection and Entry [40 CFR 71.6(c)(2)]

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow EPA or an authorized representative to perform the following:

1. Enter upon the permittee's premises where a part 71 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
4. As authorized by the CAA, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

VII.O. Emergency Provisions [40 CFR 71.6(g)]

1. In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall

demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
 - (b) The permitted facility was at the time being properly operated;
 - (c) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and
 - (d) The permittee submitted notice of the emergency to EPA within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements for prompt notification of deviations.
2. In any enforcement proceeding the permittee attempting to establish the occurrence of an emergency has the burden of proof.
 3. An “emergency” means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

VII.P. Transfer of Ownership or Operation [40 CFR 71.7(d)(1)(iv)]

A change in ownership or operational control of this facility may be treated as an administrative permit amendment if the EPA determines no other change in this permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA.

VII.Q. Off Permit Changes [40 CFR 71.6(a)(12) and 40 CFR 71.6(a)(3)(ii)]

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

1. Each change is not addressed or prohibited by this permit;
2. Each change shall meet with all applicable requirements and shall not violate any existing permit term or condition;
3. Changes under this provision may not include changes subject to any requirement of 40 CFR parts 72 through 78 or modifications under any provision of Title I of the CAA;

4. The permittee must provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under §71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change;
5. The permit shield does not apply to changes made under this provision; and
6. The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.
7. The notice shall be kept on site and made available to EPA on request, in accordance with the general recordkeeping provision of this permit.
8. Submittal of the written notice required above shall not constitute a waiver, exemption, or shield from applicability of any applicable standard or PSD permitting requirements under 40 CFR 52.21 that would be triggered by the replacement of any one emission unit, or by replacement of multiple emission units.

VII.R. Permit Expiration and Renewal [40 CFR 71.5(a)(1)(iii), 71.5(a)(2), 71.5(c)(5), 71.6(a)(11), 71.7(b), 71.7(c)(1), and 71.7(c)(3)]

1. This permit shall expire upon the earlier occurrence of the following events:
 - (a) Five (5) years elapse from the date of issuance; or
 - (b) The source is issued a part 70 or part 71 permit under an EPA approved or delegated permit program.

[40 CFR 71.6(a)(11)]
2. Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration of this permit.

[40 CFR 71.5(a)(1)(iii)]
3. If the permittee submits a timely and complete permit application for renewal, consistent with §71.5(a)(2), but EPA has failed to issue or deny the renewal permit, then all the terms and conditions of the permit, including any permit shield granted pursuant to §71.6(f) shall remain in effect until the renewal permit has been issued or denied.

[40 CFR 71.7(c)(3)]
4. The permittee's failure to have a part 71 permit is not a violation of this part until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.

[40 CFR 71.7(b)]

5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation, affected State, and tribal review.

[40 CFR 71.7(c)(1)]

6. The application for renewal shall include the current permit number, description of permit revisions and off permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

[40 CFR 71.5(a)(2) and 71.5(c)(5)]

VIII. Appendix

VIII.A. Inspection Information

1. Driving Directions:

To get to the Tekoi Landfill:

- Take Exit #77 (State Rd 196 exit) off Interstate 80;
- Proceed south on State Rd 196 for 28 miles;
- Landfill is located on the east side of the road.

2. Global Positioning System (GPS):

Latitude: 40.358323 N

Longitude: 112.724416 W

3. Safety Considerations:

A site visit requires steel toe boots, hard hat, and safety glasses.